

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES SURETY COMPANY *
20 West Aylesbury Road
Timonium, Maryland 21094 *

Plaintiff

Civil Action No.:

v.

M. MILLER TRUCKING *
1251 Irvine Drive, NE
Hanover, Minnesota 55341 *
SERVE ON:
Mark Miller *
1251 Irvine Drive, NE
Hanover, Minnesota 55341 *

and

ACME TRUCK LINE, INC. *
121 Paillet Drive *
Harvey, Louisiana 70058 *
SERVE ON: *
Jimmie J. Vicknair, Registered Agent *
121 Paillet Drive *
Harvey, Louisiana 70058 *

and

BUNCH TRANSPORT, INC. *
2000 Mabeline Road *
North Charleston, South Carolina 29419 *
SERVE ON: *
Carmelina Bundschuh *
Registered Agent *
2000 Mabeline Road *
North Charleston, SC 29419 *

and

UNIQUE FREIGHT SYSTEMS *

P.O. Box 966

Hope, Arkansas 71802 *

SERVE ON:

Kenneth Dougan, President *

P.O. Box 966

Hope, Arkansas 71802 *

and

KEITH SAARI TRUCKING *

38144 Plainview Drive *

Sterling Heights, Michigan 48312

SERVE ON: *

Keith Saari

38144 Plainview Drive *

Sterling Heights, Michigan 48312 *

and

TRANS-LINK, INC. *

888 Larch Avenue *

Elmhurst, Illinois 60126

SERVE ON: *

Boguslaw Ptaszek

Registered Agent *

888 Larch Avenue

Elmhurst, Illinois 60126 *

and

HYDE TRUCKING COMPANY, INC. *

2394 Segment Industrial Court, NW

Conyers, Georgia 30012 *

SERVE ON:

Gene Hyde, Registered Agent *

2394 Segment Industrial Court, NW

Conyers, Georgia 30012 *

and

SUMMIT TRANSPORTATION
SYSTEMS, INC. *

3257 49th Street

Pennsauken, New Jersey 08109 *

SERVE ON:

Robert E. Cellasio, President *

3257 49th Street

Pennsauken, New Jersey 08109 *

and *

CENTURY FURNITURE, LLC

401 11th Street, NW *

Hickory, North Carolina 28601

SERVE ON: *

Richard L. Reese,

Registered Agent *

410 11th Street, NW

Hickory, North Carolina 28601 *

and *

CORETRANS, LLC

P.O. Box 3210 *

West Somerset, Kentucky 42564

SERVE ON: *

James D. Liebman

Registered Agent *

403 West Main Street

Frankfort, Kentucky 40601 *

and *

DAN SULLIVAN TRUCKING, INC. *

P.O. Box 878

Munfordville, Kentucky 42765 *

SERVE ON:

Dan Sullivan *

Registered Agent

320 West Union Street *

Munfordville, Kentucky 42765 *

and

DAT TRADING & SALES CO., INC.
P.O. Box 2897 *
West Columbia, South Carolina 29171
SERVE ON: *
Ted C. Howell
Registered Agent *
2802 Franklin Street
West Columbia, S. Carolina 29169 *

and *

DRY ICE SALES & SERVICE, INC. *
6760 Ky Dam Road
Paducah, Kentucky 42003 *
SERVE ON:
George Hodges *
Registered Agent
6760 Ky Dam Road *
Paducah, Kentucky 42003 *

and *

GENE HYDE TRUCKING CO., INC. *
2940 Swindell Road
Lakeland, Florida 33805 *
SERVE ON: *
Shirley Hargraves
Registered Agent *
290 Howard Avenue
Lakeland, Florida 33815 *

and *

GOODINS CENTRAL DISPATCH *
SERVICES, INC.
887 N. Gardiner *
Scottsburg, Indiana 47170
SERVE ON: *
Greg Goodin
Registered Agent *
887 N. Gardiner
Scottsburg, Indiana 47170 *

and *

GREENE TRANSPORT CO. *

1702 South Washington Avenue *

Titusville, Florida 32780 *

SERVE ON: *

Jeffrey B. Greene *

Registered Agent *

2405 Garden Street *

Suite 1 *

Titusville, Florida 32796 *

and *

IMPLANT BROKERS, INC. *

P.O. Box 71480 *

Columbus, Ohio 43271 *

SERVE ON: *

Walter L. Lamb, Jr. *

Registered Agent *

1100 Eastern Avenue *

Bellefontaine, Ohio 43311 *

and *

J.H. TRANSPORT, INC. *

1475 Territorial Road *

Benton Harbor, Michigan 49022 *

SERVE ON: *

Dave Korinek *

1475 Territorial Road *

Benton Harbor, Michigan 49022 *

and *

JONES MOTOR CO., INC. *

Bridge Street & Schuylkill Road *

Spring City, Pennsylvania 19475 *

SERVE ON: *

Donald R. Sheehy *

President *

Bridge St. & Schuylkill Rd. *

Spring City, PA 19475 *

and *

LIPPOLD & ARNETT, INC. *

21149 Route 4 *

Carlinville, Illinois 62626 *

SERVE ON: *

James Ray Curry *

Registered Agent *

21149 Route 4 *

Carlinville, Illinois 62626 *

and *

H.T. JACKSON TRANSPORT, INC. *

160 Hidden Hill Road *

Spartanburg, South Carolina 29301 *

SERVE ON: *

David C. Alford *

Registered Agent *

160 Hidden Hill Road *

Spartanburg, South Carolina 29301 *

and *

K TRUCK LINES, INC. *

Hunter-Ferrell Road and Doggo Road *

P.O. Box 53247 *

Grand Prairie, Texas 75053 *

SERVE ON: *

Fred Knox *

Registered Agent *

Hunter-Ferrell Road and *

Doggo Road *

P.O. Box 53247 *

Grand Prairie, Texas 75053 *

and *

LOUISIANA TRANSPORTATION, INC. *

12225 Stephens Road *

Warren, Michigan 48089 *

SERVE ON: *

Willard J. Lindley *

Registered Agent *

12225 Stephens Road *

Warren, Michigan 48089 *

and *

M & B TRUCKING CORP. *

3101 Buckley Avenue

Lake Worth, Florida 33461 *

SERVE ON:

Braulio G. Millo *

Registered Agent

3101 Buckley Avenue *

Lake Worth, Florida 33461 *

and

NELSON FREIGHT SERVICE, INC. *

2215 Oak Industrial Drive, N.E.

Suite 212 *

Grand Rapids, Michigan 49505

SERVE ON: *

John Taratula

Registered Agent *

2215 Oak Industrial Drive, N.E.

Grand Rapids, Michigan 49505 *

and *

JAMES E. OOTEN d/b/a *

OCOEE TRUCKING

P.O. Box 272 *

Ocoee, Tennessee 37361

SERVE ON: *

James E. Ooten

Ocoee Trucking *

P.O. Box 272

Ocoee, Tennessee 37361 *

and *

P AND S ENTERPRISES, INC. *

8721 M Highway

P.O. Box 65 *

Pilot Grove, Missouri 65276 *

SERVE ON:

Mitchell Twenter *

Registered Agent

8721 M Highway *

P.O. Box 65

Pilot Grove, Missouri 65276 *

and *

TRACEY PETERS d/b/a *

PETERS TRUCKING *

946 South 98th Street *

Mesa, Arizona 85208 *

SERVE ON: *

Tracey Peters *

Peters Trucking *

946 South 98th Street *

Mesa, Arizona 85208 *

and *

PREFERRED MATERIALS, INC. *

15023 Highway 80 *

Minden, Louisiana 71055 *

SERVE ON: *

Sharon B. Bryce *

Registered Agent *

195 Country Pines Drive *

Minden. Louisiana 71055 *

and *

WALTER UMSTEAD d/b/a *

UMSTEAD TRUCKING *

4208 Boseman Road *

Rocky Mount, North Carolina 27804 *

SERVE ON: *

Walter Umstead *

Umstead Trucking *

4208 Boseman Road *

Rocky Mount, North Carolina 27804 *

and *

RIDGE TRANSPORTATION *

LOGISTICS, INC. *

1895 90th Avenue *

Vero Beach, Florida 32966 *

SERVE ON: *

Zack Fulmer *

Registered Agent *

1895 90th Avenue *

Vero Beach, Florida 32966 *

and

SCOTLAND TRANSFER CO., INC.

16961 Barnes Drive

Laurinburg, North Carolina 28353

SERVE ON:

James L. Jackson

Registered Agent

16961 Barnes Drive

Laurinburg, North Carolina 28353

and

SERVICE FIRST TRANSPORT, INC.

5615 East Powhatan Avenue

Suite C

Tampa, Florida 33610

SERVE ON:

Steven Brickner

Registered Agent

5615 East Powhatan Avenue

Suite C

Tampa, Florida 33610

and

SOUTHEAST LOGISTICS, INC.

P.O. BOX 1309

5607 Highway 215 South

Tuscaloosa, Alabama 35403

SERVE ON:

Beau Wicks

P.O. Box 1309

5607 Highway 215 South

Tuscaloosa, Alabama 35403

and

TETON TRANSPORTATION, INC.

5651 South National Drive

Knoxville, Tennessee 37914

SERVE ON:

Douglas A. Hammond

Registered Agent

5651 South National Drive

Knoxville, Tennessee 37914

and

TRUCKERS EXPRESS, INC.

725 Market Street

Wilmington, Delaware 19899

SERVE ON:

Corporation Trust Company

Registered Agent

1209 Orange Street

Wilmington, Delaware 19801

and

WILKINS TRUCKING

1094 South Railroad Street

Warsaw, North Carolina 28398

SERVE ON:

Wilkins Trucking

1094 South Railroad Street

Warsaw, North Carolina 28398

and

BBB TRUCKING, INC.

8305 Talton

Houston, Texas 77028

SERVE ON:

William Guidry

Registered Agent

8305 Talton

Houston, Texas 77028

and

BEST FREIGHT SYSTEMS, INC.

P.O. Box 1322

Laredo, Texas 78042

SERVE ON:

Jamie Milks

Registered Agent

2301 Scott Street

Laredo, Texas 78040

and

CROFT, LLC *

107 Oliver Emmerich Drive

McComb, Mississippi 39648 *

SERVE ON:

Gerald M. Abdalla *

107 Oliver Emmerich Drive

McComb, Mississippi 39648 *

and *

GAMMEL TRANSPORTATION, LLC *

1404 County Road 101

New Albany, Mississippi 38652 *

SERVE ON:

Hollaman M. Raney *

Registered Agent

41 County Road 231 *

P.O. Box 1480

Oxford, Mississippi 38655 *

and *

ALLEN MICHAEL MITRISIN d/b/a *

M M TRANSPORT

29181 Cortez Boulevard *

Brooksville, Florida 34602

SERVE ON: *

Allen Michael Mitrisin

M M Transport *

29181 Cortez Boulevard

Brooksville, Florida 34602 *

and *

RUSSELL'S TRUCK DIVISION, INC. *

1008 South Danville Road

Harrodsburg, Kentucky 40330 *

SERVE ON:

Gordon Lee Russell *

Registered Agent

1008 South Danville Road *

Harrodsburg, Kentucky 40330 *

and *

RYAN LOGISTICS, INC. *

325 Co Road 1760

Joppa, Alabama 35087 *

SERVE ON:

Debra L. McAlpin *

325 Co Road 1760

Joppa, Alabama 35087 *

and *

CEDRAY TRANSPORTATION, LTD. *

336 Cane Creek Drive

Stockbridge, Georgia 30281 *

SERVE ON:

R. Kelley Minter *

Registered Agent

5318 Railroad Avenue *

Flowery Branch, Georgia 30542 *

and *

CJW TRANSPORT, INC.

32 Walker Road *

Quincy, Florida 32351

SERVE ON: *

John W. Black

Registered Agent *

2155 Delta Boulevard

Suite 210-A *

Tallahassee, Florida 32303 *

and *

C-LINE, INC.

340 Jefferson Boulevard *

Warwick, Rhode Island 02888

SERVE ON: *

Margot A. Clark

Vice President *

340 Jefferson Boulevard

Warwick, Rhode Island 02888 *

and *

TRUCKFIX, INC. *

888 Larch Avenue

Elmhurst, Illinois 60126 *

SERVE ON:

Boguslaw Ptaszek *

888 Larch Avenue

Elmhurst, Illinois 60126 *

and *

UNITED FREIGHT, INC. *

319 Baylor Street

Texarkana, Texas 75501 *

SERVE ON:

Penni Evilsizor-Royston *

Authorized Agent of Process

7001 Grapevine Highway *

Suite 331

North Richland Hills, Texas 76180 *

And *

XRG LOGISTICS, INC. *

601 Cleveland Street

Suite 820 *

Clearwater, Florida 33755

SERVE ON: *

Michael T. Cronin

Registered Agent *

911 Chestnut Street

Clearwater, Florida 33756 *

Defendants

* * * * *

COMPLAINT

Plaintiff, United States Surety Company, by its undersigned attorneys, pursuant to 28 U.S.C. § 1335(a), sues the above-named Defendants, and in support thereof, states:

COUNT I – INTERPLEADER (28 U.S.C. § 1335(a))

Jurisdiction and Venue

1. Plaintiff is a corporation and a surety organized and incorporated under the laws of the State of Maryland, with its principal place of business in Timonium, Maryland. At all times mentioned in this Complaint, the Plaintiff was a duly admitted and licensed insurer, permitted under the laws of the States of Maryland and Delaware to offer and sell the surety bond that is the subject of this action.

2. All Defendants are residents of states other than Maryland.

3. This court has jurisdiction of this interpleader action under the provisions of 28 *U.S.C.* § 1335(a) because:

- a. There is complete diversity of citizenship between Plaintiff and all Defendants;
- b. The penal sum of the surety bond against which all Defendants assert adverse claims is \$10,000, a sum in excess of \$ 500; and
- c. The Plaintiff has, contemporaneously with the filing of this Complaint, filed a motion for leave to deposit \$10,000 into the registry of this Court and will deposit said amount upon the order of this Court.

4. This court is a proper venue for this action pursuant to 28 *U.S.C.* § 1397 because Defendant Truckers Express, Inc. is a Delaware corporation and is considered a resident within this judicial district.

Adverse Claims

5. On May 28, 2002, the Plaintiff, United States Surety Company (“Plaintiff” or “Surety”), at the request of Triglia Express, Inc., Joseph S. Triglia, Jr. and Barbara J. Triglia,

issued Property Broker's Surety Bond number 4727 (the "Bond") on behalf of Triglia Express, Inc. in the penal sum of \$10,000. *See* Property Broker's Surety Bond, attached hereto as *Exhibit*

A. All Property Brokers that are involved in interstate commerce are required to obtain such a bond pursuant to 49 U.S.C. § 13906.

6. The Bond was procured and executed in Delmar, Delaware.

7. The Bond form is prescribed by the United States Department of Transportation, Federal Highway Administration and states, in relevant part:

WHEREAS, this bond is written to assure compliance by the Principal as a licensed Property Broker of Transportation by motor vehicle with 49 U.S.C. 13906(b), and the rules and regulations of the Federal Highway Administration, relating to insurance or other security for the protection of motor carrier and shippers, and shall inure to the benefit of any and all motor carriers or shippers to whom the Principal may be legally liable for any of the damages herein described.

NOW, THEREFORE, the condition of this obligation is such that if the Principal shall pay or cause to be paid to motor carriers or shippers by motor vehicle any sum or sums for which the Principal may be held legally liable by reason of the Principal's failure faithfully to perform, fulfill, and carry out all contracts, agreements, and arrangements made by the Principal while this bond is in effect for the supplying of transportation subject to the ICC Termination Act of 1995 under license issued to the Principal by the Federal Highway Administration, then this obligation shall be void, otherwise to remain in full force and effect.

8. Triglia Express, Inc. was a property broker licensed by the Federal Highway Administration that was in the business of arranging for transportation of goods by motor carrier.

9. Beginning in April 2004, the Surety began receiving numerous claims against the Bond from motor carriers who had not been paid for their services by Triglia Express, Inc.

10. As a result of the numerous claims against the Bond received by the Surety, the Surety elected to exercise its right to cancel the Bond on August 9, 2004.

11. Triglia Express, Inc. ceased operations and closed its doors on September 13, 2004.

12. On information and belief, all of the named Defendants herein may have provided transportation services for Triglia Express, Inc. and have not been paid for such services by Triglia Express, Inc.

13. All of the claims asserted, and claims which could be asserted, by the Defendants are adverse to the Plaintiff.

14. The claims and potential claims that could be asserted by the Defendants are all adverse to each other because the amounts asserted as claims by the Defendants in this action exceed the maximum liability of the Plaintiff under the Bond. Indeed, the amount of the claims asserted or potentially asserted by the Defendants total approximately \$52,452.80 while the maximum liability of the Plaintiff, if any, is \$10,000. Because the claims and potential claims exceed the available sums, the claims are adverse to each other as each Defendant has an interest in defeating or reducing the amount asserted by other Defendants.

Interpleader Remedy

15. It is necessary for the Court to restrain a race to the courthouse and prevent multiple or inconsistent liabilities on the Bond, or unfair depletion of the penal sum of the Bond by only one or only a few of the many claimants to a share in those proceeds. The Defendants

should be required to prove their proportionate share of the available proceeds in a single proceeding.

16. 28 U.S.C. § 1335(a) authorizes the Plaintiff to join all of the claimants to the Bond proceeds in a single action, and thus avoid multiple litigation and potential multiple or inconsistent liability.

17. The Plaintiff will pay the penal sum of the Bond into the registry of the Court upon Order from the Court.

Prayer

The Plaintiff prays:

1. That the Court enter an order of interpleader determining that the Defendants are adverse claimants to the fund to be deposited in court and to each other.
2. That the Court order any Defendants who claim injury or damage to interplead and establish their respective claims in this action.
3. That the Plaintiff be discharged from any other or further liability to the Defendants by virtue of the Bond set out in this Complaint.
4. That the Court issue an injunction against all parties from instituting or pursuing any proceedings in any Court, federal or state, against this Plaintiff for the recovery of all or any part of the penal sum of the Bond that is before the Court.

5. That the Plaintiff have whatever other and further relief as may be proper.

Dated: September 16, 2005

/s/ Donald R. Kinsley

Donald R. Kinsley, Esquire (I.D. No. 3006)
Brian L. Kasprzak, Esquire (I.D. No. 3846)
Marks, O'Neill, O'Brien & Courtney, P.C.
913 N. Market St., Suite 800
Wilmington, DE 19801
Phone (302) 658-6538
Fax (302) 658-6537

OF COUNSEL:

Patrick M. Pike
Sean P. Foley
Goldberg, Pike & Besche, PC
100 S. Charles Street
Tower II, Suite 1001
Baltimore, MD 21201
(410) 539-1004